

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION

A.G., a minor child, by and through her  
mother and next of friend, K.C.; D.A., a  
minor child, by and through her mother  
and next of friend, B.A.; A.L., a minor  
child, by and through her mother and  
next of friend, C.T.; M.K., a minor child,  
by and through her mother and next of  
friend, K.K.; and M.H., a minor child, by  
and through her mother and next of  
friend, B.H.,

Plaintiffs,

v.

AUTAUGA COUNTY BOARD OF  
EDUCATION; JOSEPH L. BUTLER; DENE  
CLEVELAND and TERRY WRIGHT,

Defendants.

CASE NO.: 2:05-CV-1090-MEF

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B.H., a minor child, by and through his  
mother and next of friend, D.S.,

Plaintiffs,

v.

AUTAUGA COUNTY BOARD OF  
EDUCATION; JOSEPH L. BUTLER; DENE  
CLEVELAND and TERRY WRIGHT,

Defendants.

CASE NO.: 2:06cv393-SRW

**MOTION FOR PROTECTIVE ORDER**

Plaintiffs, pursuant to Rule 26(c)(5) move the Court for an Order prohibiting other school board employees from attending any depositions of other school board employees, unless he or she is designated as the corporate representative for the Defendant Autauga County Board of Education.

As grounds for their motion, they would show the following:

1. That pursuant to prior directive from this Court, future deponent Abraham was excluded from the deposition of Angel Garrett on the grounds that the nature of the relationship between the deponent, future deponents and the Defendants imposed an unreasonable oppressive burden on the Plaintiffs in their efforts to secure testimony absent collusion, collaboration, or coordination. Prior to the deposition of Garrett, no employee of the Autauga County Board of Education, other than a designated corporate representative, attended any of the more than fourteen depositions.

2. That Plaintiffs have scheduled numerous depositions of employees of the Autauga County Board of Education beginning September 7, 2006 and continuing through early October. That the same issues giving rise to the exclusion of Abraham from the Garrett deposition exist relative to the remaining depositions.

3. That Plaintiffs anticipate the Defendants will seek the attendance of the future deponents at each respective deposition and because the respective deponents have failed to attend other depositions the apparent motivation for any such effort can only be to allow deponents the opportunity to hear witness testimony and coordinate and conform their subsequent testimony. Such a device is unreasonably oppressive to Plaintiffs' efforts to secure testimony uncontaminated by collusion, coordination or conformity.

4. That Plaintiffs' counsel on two occasions has attempted to address these issues with counsel for the Defendant's and despite good faith efforts to

address and resolve the issue, the only response received as of the filing of this motion is "I'll let you know."

5. Because the next scheduled deposition is September 7, 2006, and the Defendants have failed to state a position on the matter, Plaintiffs request this Court to order and direct the exclusion from all future depositions in this matter, all individuals except the deponent, parties, counsel, expert witnesses, the Defendant's corporate representative and such others as mutually agreed by the parties.

/s/Michael J. Crow  
MICHAEL J. CROW (CR039)  
Attorney for Plaintiffs

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing upon all counsel of record listed below by placing a copy of the same in the U.S. Mail, first class postage prepaid, on this the 29<sup>th</sup> day of August, 2006.

/s/Michael J. Crow  
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